



April 7, 2009

ENGROSSED SENATE BILL No. 218

DIGEST OF SB 218 (Updated April 2, 2009 8:37 am - DI 77)

Citations Affected: IC 16-48; IC 21-44.

Synopsis: Anatomic pathology services and anatomical education. Requires a health care provider or clinical laboratory that sends a patient sample for anatomic pathology services to a referral laboratory to disclose to the patient if the health care provider or clinical laboratory has a financial interest in the referral laboratory. Provides that an "eligible institution", for purposes of the anatomical education program, must be an educational institution located in the United States. (Current law requires the institution be located in Indiana.)

Effective: July 1, 2009.

Miller, Mishler, Errington

(HOUSE SPONSORS — BROWN C, BROWN T, WELCH, FRIZZELL)

January 7, 2009, read first time and referred to Committee on Health and Provider Services.

February 5, 2009, amended, reported favorably — Do Pass.

February 12, 2009, read second time, ordered engrossed.

February 13, 2009, engrossed.

February 19, 2009, read third time, passed. Yeas 48, nays 2.

HOUSE ACTION

March 2, 2009, read first time and referred to Committee on Public Health.

April 6, 2009, amended, reported — Do Pass.

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April 7, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 218

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-48 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2009]:

4 ARTICLE 48. OTHER HEALTH CARE PROVIDERS AND 5 SERVICES

6 Chapter 1. Anatomic Pathology Services

7 Sec. 1. As used in this chapter, "anatomic pathology service"
8 means the following performed, by a physician or under the
9 supervision of a physician, on a sample taken from a human body:

10 (1) Histopathology or surgical pathology, meaning the gross
11 and microscopic examination and histologic processing of
12 organ tissue.

13 (2) Cytopathology, meaning the microscopic examination of
14 cells from the following:

15 (A) Fluids.

16 (B) Aspirates.

17 (C) Washings.

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(D) Brushings.

(E) Smears.

(3) Hematology, meaning the microscopic evaluation of bone marrow aspirates and biopsies, and peripheral blood smears when the attending or treating physician or technologist requests that a blood smear be reviewed by a pathologist.

(4) Subcellular pathology and molecular pathology.

(5) Blood banking services performed by pathologists.

Sec. 2. As used in this chapter, "referral laboratory" means a physician or clinical laboratory:

(1) to which a sample is sent by a referring laboratory; and

(2) by which an anatomic pathology service is performed; for consultation or histologic processing.

Sec. 3. A health care provider or clinical laboratory that sends a patient sample for anatomic pathology services to a referral laboratory in which the health care provider or clinical laboratory has a financial interest (as defined in IC 25-22.5-11-1) shall:

(1) make the disclosures to the patient; and

(2) keep a record of the patient's acknowledgment of receipt of the disclosures;

as required under IC 25-22.5-11-3.

SECTION 2. IC 21-44-1-10, AS ADDED BY P.L.2-2007, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. "Eligible institution", for purposes of:

(1) sections 2 and 11 of this chapter and IC 21-44-2, means a university, college, or other educational institution that:

(A) operates in ~~Indiana~~; the United States; and

(B) offers a health education program leading to a baccalaureate, graduate, or postgraduate degree in a health related field including:

(i) medicine;

(ii) dentistry;

(iii) optometry;

(iv) nursing;

(v) physical therapy;

(vi) occupational therapy; or

(vii) other allied health fields; and

(2) IC 21-44-3, refers to a postsecondary educational institution that qualifies as an eligible institution under IC 21-44-3-1(4).

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 218, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 28, delete "or other health care provider" and insert "**public health clinic, or rural health clinic.**".

Page 2, delete line 29.

and when so amended that said bill do pass.

(Reference is to SB 218 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

Report of the Senate
Committee on Ethics

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on February 12, 2009, to render an advisory opinion with regard to the question raised by Senator Dillon about his participation in the upcoming votes on Senate Bill 218 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Dillon and hereby recommends that Senator Dillon be excused from participation in all votes pertaining to Senate Bill 218 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 4-0.

Senator Bray presided over the meeting since the question was raised by the Chair of the Committee, Senator Dillon.

BRAY, Ranking Member

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Report of the President
Pro Tempore

Madam President: I hereby report that when Senate Bill 218 was called for a vote on third reading Senator Dillon inadvertently cast a vote for the bill which overrode his excused status in the roll call system. The Senate notes that he did not participate in the debate on the bill and did not intend to vote with regard to Senate Bill 218.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 218, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 9 through 16.

Page 2, line 17, delete "3." and insert "2.".

Page 2, line 22, delete "4." and insert "3.".

Page 2, line 22, after "that" insert **"sends a patient sample for anatomic pathology services to a referral laboratory in which the health care provider or clinical laboratory has a financial interest (as defined in IC 25-22.5-11-1) shall:**

(1) make the disclosures to the patient; and

(2) keep a record of the patient's acknowledgment of receipt of the disclosures;

as required under IC 25-22.5-11-3."

Page 2, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 2. IC 21-44-1-10, AS ADDED BY P.L.2-2007, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. "Eligible institution", for purposes of:

(1) sections 2 and 11 of this chapter and IC 21-44-2, means a university, college, or other educational institution that:

(A) operates in ~~Indiana~~; **the United States**; and

(B) offers a health education program leading to a baccalaureate, graduate, or postgraduate degree in a health related field including:

(i) medicine;

(ii) dentistry;

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- (iii) optometry;
- (iv) nursing;
- (v) physical therapy;
- (vi) occupational therapy; or
- (vii) other allied health fields; and

(2) IC 21-44-3, refers to a postsecondary educational institution that qualifies as an eligible institution under IC 21-44-3-1(4).".

Delete page 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 218 as printed February 6, 2009.)

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

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